contractual obligations, such as to pay wages, continue unless ended by mutual consent. *Champion* v. *Hartshorne*, 9 Conn. 564. At any rate, notice of some kind is essential. The principal case is supported by the weight of authority. Delaware, *L. & W. R. Co.* v. *Hardy*, 59 N. J. L. 35, 34 Atl. 986. *Missouri R. Co.* v. *Ferch, supra.* See *Solomon R. Co.* v. *Jones*, 30 Kan. 601, 603, 2 Pac. 657, 658. But there are some decisions *contra*. *Crusselle* v. *Pugh*, 67 Ga. 430. *Smith* v. *Belshaw*, 89 Cal. 427, 26 Pac. 834. It is no hardship that the defective appliances are without the defendant's control, for he can avoid all liability by simply notifying the servant. The principle of estoppel is not involved. See *Missouri R. Co.* v. *Ferch, supra.*

NEGLIGENCE — DUTY OF CARE — TRESPASSERS: TRESPASSING CHILDREN ON RAILROAD TRACK. — The plaintiff, an infant of seven years, while trespassing on the tracks of the defendant railroad, was run down by an engine. The lower court directed a nonsuit on the ground that the defendant owed an infant "no higher degree of care than it owed anybody else who was wrongfully on its right of way." *Held*, that this is error. *Piepke* v. *Philadelphia & Reading R. Co.*, 89 Atl. 124 (Pa.).

It does not appear that the plaintiff's presence was observed. If it was not, a nonsuit was proper, for there is no duty in Pennsylvania to look for trespassers. *Philadelphia & Reading R. Co.* v. *Hummell*, 44 Pa. 375; *Brague* v. *Northern Central Ry. Co.*, 192 Pa. 242, 43 Atl. 987. On the supposition that the plaintiff was seen, according to the Pennsylvania cases, the proprietor's only duty would be to refrain from inflicting wilful or wanton injury. *Little Schuylkill Navigation R. Co.* v. *Norton*, 24 Pa. 465; *Mulherrin* v. *Delaware, etc. R. Co.*, 81 Pa. 366. (For a clear statement of this rule, see *Maynard* v. *Boston & Maine R.*, 115 Mass. 458; also article by Judge Peaslee, 27 HARV. L. REV. 403.) See *Philadelphia & Reading R. Co.* v. *Hummell, supra*, 379; *Pennsylvania R. Co.* v. *Morgan*, 82 Pa. 134, 141. But the reasoning of the principal case might lead one to believe that mere negligence would impose liability where the trespasser was an infant, while wilful or wanton conduct was necessary in case he was an adult. This is not so on principle, or authority, as is shown by cases in the same jurisdiction. *Cauley* v. *Pittsburgh, etc. Ry. Co.*, 95 Pa. 398; *Moore* v. *Pennsylvania R. Co.*, 99 Pa. 301. See *Emerson* v. *Peteler*, 35 Minn. 481, 484; also article by Judge Smith, 11 HARV. L. REV. 349, 367. The proper analysis would seem to be that the trespasser's capacity is merely one fact bearing upon whether the defendant's conduct was wanton or wilful. However, the court says, following *Philadelphia & Reading R. Co.* v. *Spearen*, 47 Pa. 300, 304, if an adult be seen on the track, it would not be wanton conduct not to stop the train, because it may be assumed he will remove himself from danger; but if a child trespasser be seen, the train ordinarily should be stopped immediately. But see *Pennsylvania R. Co.* v. *Morgan, supra*, 141. Accordingly, the court's result, that a jury should be allowed to pass on the evidence, seems supportable.

PARDON — CONDITIONAL PARDON OR PAROLE — STATUTE GIVING COURT POWER TO GRANT. — The petitioner was legally convicted and sentenced to six months' imprisonment. Under a statute authorizing courts to parole prisoners "upon such conditions and under such restrictions" as they "might see fit to impose," the trial court released him, on the condition, among others, that he make reports of his conduct at stated intervals for two years. More than six months later he broke the conditions. *Held*, that the court had no power to recommit him. *In re Welch*, 137 Pac. 975 (Kan.).

Some courts apparently regard it as legally impossible to subject a paroled convict to the restraints of his parole after his term of imprisonment should have expired if served. *Woodward* v. *Murdock*, 124 Ind. 439, 24 N. E. 1047;